

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: Joy C. Murl

Case No.: 15-12253

Judge:

Debtor(s)

Chapter:

13

**CHAPTER 13 PLAN AND MOTIONS - AMENDED**

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: \_\_\_\_\_

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 290.00 Monthly\* to the Chapter 13 Trustee, starting on March 1, 2015 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

■ Future Earnings

■ Other sources of funding (describe source, amount and date when funds are available): **Boyfriend Contribution**

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Kevin Fayette, Esquire KF1039	Attorney Fees	2,500.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Cenlar	2 Jaffrey Way Hamilton, NJ 08620  Purchased by Debtor in September, 2011 for \$136,000.00 Property valued at \$165,000.00 less 10% Cost of Sale= \$148,500.00	26,281.36	0.00	26,281.36	1,260.00

### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor  
-NONE-

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

  x   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

## Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

### a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

### b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

### c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

## Part 8: Other Plan Provisions

### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**e. Other Provisions:**

\*This plan is a step plan or has lumpsum payments as follows: \$290.00 per month for 20 months, then \$730.00 per month for 40 months

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 2/9/15.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
Debtor resolved Mortgage Motion to Vacate Stay. Mortgage company allowed a post-petition arrearage amount of \$14,946.12 to be paid through the Bankruptcy plan.	Debtor resolved Mortgage Motion to Vacate Stay. Mortgage company allowed a post-petition arrearage amount of \$14,946.12 to be paid through the Bankruptcy plan.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date October 27, 2016 /s/ Kevin Fayette, Esquire  
Kevin Fayette, Esquire KF1039  
 Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 27, 2016 /s/ Joy C. Murl  
Joy C. Murl  
 Debtor

Date: \_\_\_\_\_  
 Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Joy C. Murl  
 Debtor

Case No. 15-12253-CMG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 23

Date Rcvd: Nov 02, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 04, 2016.

db  
 515558590 +Joy C. Murl, 2 Jaffrey Way, Hamilton, NJ 08620-1524  
 515319965 Capital One, N.A., c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
 515319966 +Cenlar, P.O. Box 77404, Ewing, NJ 08628-6404  
 +Citibank/The Home Depot, Citicorp Credit Srvs/Centralized Bankrup, Po Box 790040,  
 Saint Louis, MO 63179-0040  
 515319968 +Eastern Account System INC., Attn: Bankruptcy Dept., Po Box 837, Newtown, CT 06470-0837  
 515319969 +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145  
 515319971 +Kivitz McKeever Lee, PC, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541  
 515319973 Matossian Eye Associates, Two Capital Way, Suite 326, Pennington, NJ 08534-2521  
 515438427 +New Jersey Housing & Mortgage Finance Agency, Cenlar FSB, 425 Phillips Blvd,  
 Ewing, NJ 08618-1430  
 515319976 +RWJ Hamilton, PO Box 48025, Newark, NJ 07101-4825  
 515319977 +Verizon, 500 Technology Dr Ste 30, Weldon Spring, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg

E-mail/Text: usanj.njbankr@usdoj.gov Nov 02 2016 23:06:56 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Nov 02 2016 23:06:50 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 515543965 +E-mail/Text: g20956@att.com Nov 02 2016 23:07:25 AT&T Mobility II LLC,  
 % AT&T Services, Inc, Karen Cavagnaro, Paralegal, One AT&T Way, Room 3A104,  
 Bedminster, NJ 07921-2693  
 515335877 E-mail/Text: bankruptcy@cunj.org Nov 02 2016 23:06:41 Credit Union of New Jersey,  
 1301 Parkway Avenue, Ewing, NJ 08628  
 515319967 +E-mail/Text: bankruptcy@cunj.org Nov 02 2016 23:06:41 Credit Union Of N J, Po Box 7921,  
 Ewing, NJ 08628-0921  
 515319970 +E-mail/Text: bankruptcy@icsystem.com Nov 02 2016 23:07:23 IC Systems, Inc.,  
 444 Highway 96 East, Saint Paul, MN 55127-2557  
 515319972 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 02 2016 23:06:07 Kohls/capone,  
 Po Box 3115, Milwaukee, WI 53201-3115  
 515319974 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 02 2016 23:03:32  
 Portfolio Recovery, Attn: Bankruptcy, Po Box 41067, Norfolk, VA 23541  
 515539222 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 02 2016 23:03:44  
 Portfolio Recovery Associates, LLC, c/o Orchard Bank, POB 41067, Norfolk VA 23541  
 515559613 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 02 2016 23:03:43  
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541  
 515553795 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Nov 02 2016 23:07:08 Premier Bankcard, Llc.,  
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999  
 515319975 +E-mail/Text: Supportservices@receivablesperformance.com Nov 02 2016 23:07:36  
 Receivables Performanc, 20816 44th Ave W, Lynnwood, WA 98036-7744

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 04, 2016

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 1, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
 Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
 Denise E. Carlon on behalf of Creditor New Jersey Housing & Mortgage Finance Agency  
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 23

Date Rcvd: Nov 02, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system (continued)

Donald Quigley on behalf of Debtor Joy C. Murl lawoffices@quigleyfayette.com,  
donaldquigley.dq@gmail.com  
Joshua I. Goldman on behalf of Creditor New Jersey Housing & Mortgage Finance Agency  
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
Kevin C. Fayette on behalf of Debtor Joy C. Murl lawoffices@quigleyfayette.com  
TOTAL: 6